

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and  
STEINER ASSOCIATES, LLC,

Plaintiffs,

v.

EBAY INC., ET AL.,

Defendants.

CIVIL ACTION NO.: 1:21-CV-11181-DPW

**DEFENDANT BRIAN GILBERT'S UNOPPOSED MOTION TO FILE EXCESS PAGES,  
TO FILE REPLY BRIEF, AND TO EXTEND RESPONSE DEADLINE**

Defendant Brian Gilbert ("Mr. Gilbert") hereby files this unopposed motion to (a) permit Mr. Gilbert to file a memorandum of law in support of his motion to dismiss in excess of 20 pages, but not to exceed 35 pages, in accordance with Local Rule 7.1(b)(4); (b) extend the date for Mr. Gilbert's response to the Complaint by one day, to October 29, 2021, consistent with the response deadline for other defendants; and (c) permit Mr. Gilbert to file a reply brief, not to exceed 15 pages, within 14 days after Plaintiffs file their opposition to Mr. Gilbert's motion to dismiss, in accordance with Local Rule 7.1(b)(3). As grounds for this motion, Mr. Gilbert states as follows:

1. Plaintiffs filed the Complaint on July 21, 2021. Dkt. 1. On October 4, 2021, the Court granted Mr. Gilbert's assented-to motion for extension of time and set Mr. Gilbert's deadline to respond to the Complaint as October 28, 2021. Dkt. 58. Since then, the Court has set the response deadline for other defendants as October 29, 2021. See Dkt. Nos. 59, 62, 67-68.

2. The Complaint spans 92 pages and 366 paragraphs, excluding exhibits. It alleges twelve causes of action, including violations of the civil RICO statute. Mr. Gilbert intends to file a motion to dismiss the Complaint. Mr. Gilbert submits that a memorandum not to exceed 35 pages is necessary in order to fully set out of the grounds for dismissal and to assist the Court in considering his motion to

dismiss. The Court has granted similar motions in this case. See Dkt. Nos. 64, 67-68. Counsel for Mr. Gilbert has conferred with counsel for the Plaintiffs, who did not oppose this request.

3. Mr. Gilbert also requests that the Court extend his deadline to respond to the Complaint by one day, to October 29, 2021, so that his response date aligns with other Defendants. See Dkt. Nos. 59, 62. This minimal adjustment to the briefing schedule is likely to bring additional administrative clarity and efficiency to the docket and further proceedings. Counsel for Mr. Gilbert has conferred with counsel for the Plaintiffs, who did not oppose this request.

4. Mr. Gilbert anticipates that Plaintiffs will oppose his motion to dismiss, and requests leave to file a reply brief. Mr. Gilbert submits that a reply brief will assist the Court in deciding his motion considering the numerous issues likely to be addressed in his motion to dismiss and Plaintiffs' response. Accordingly, Mr. Gilbert seeks leave to file a reply brief of not more than 15 pages, and not more than 14 days following the filing of Plaintiffs' opposition. Counsel for Mr. Gilbert has conferred with counsel for the Plaintiffs, who did not oppose this request.

5. Counsel for Mr. Gilbert has also conferred with counsel for the other defendants in this matter, and none indicated that they intend to oppose this motion.

WHEREFORE, Mr. Gilbert requests that the Court grant this Motion and (a) permit him to file a memorandum in support of his motion to dismiss, which will not exceed more than 35 pages; (b) extend Mr. Gilbert's deadline to respond to the Complaint by one day, to October 29, 2021; and (c) permit Mr. Gilbert to file a reply brief of not more than 15 pages within 14 days after Plaintiffs file their opposition to his motion to dismiss.

Respectfully submitted,

Dated: October 25, 2021

/s/ Douglas S. Brooks

Douglas S. Brooks  
LIBBY HOOPES BROOKS, P.C.  
399 Boylston Street

Boston, Massachusetts 02116  
Tel: (617) 338-9300  
Fax: (617) 338-9911  
Email: [dbrooks@lhblaw.com](mailto:dbrooks@lhblaw.com)

Dated: October 25, 2021

/s/ Mark R. Conrad  
Mark R. Conrad (CA Bar No. 255667)  
Miranda Kane (CA Bar No. 150630)  
CONRAD | METLITZKY | KANE LLP  
Four Embarcadero Center, Suite 1400  
San Francisco, CA 94111  
Tel: 415-343-7100  
Fax: 415-343-7101  
Email: [mconrad@conmetkane.com](mailto:mconrad@conmetkane.com)  
Email: [mkane@conmetkane.com](mailto:mkane@conmetkane.com)

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

The undersigned counsel for the defendant hereby certifies that he has attempted to confer with plaintiffs' counsel in this matter, in a good faith attempt to resolve or narrow the issues of dispute raised in the accompanying motion, in accordance with Local Rule 7.1 and further states that counsel for plaintiffs assents to the filing of this motion.

/s/ Douglas S. Brooks

Douglas S. Brooks

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 25, 2021.

*/s/ Douglas S. Brooks*

---

Douglas S. Brooks